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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**[PROPOSED] ORDER RE ORACLE
AMERICA, INC.'S MOTION FOR
JUDGMENT AS A MATTER OF
LAW UNDER RULE 50(B) OR, IN
THE ALTERNATIVE, FOR A NEW
TRIAL**

Date: July 26, 2012
Time: 8:00 a.m.
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

Before the Court is Oracle America, Inc.'s Motion for Judgment as a Matter of Law Under Rule 50(b) or, in the Alternative, For a New Trial. The Court, having considered the papers filed in support of an in opposition to the motion, the arguments presented at the hearing, and other matters relevant to the determination of this motion, hereby **GRANTS** Oracle's motion for judgment as a matter of law under Rule 50(b) that:

(1) Oracle owns the asserted copyrighted works; (2) Google infringed Oracle's copyrights by copying comments in Oracle's CodeSource.java and CollectionCertStoreParameters.java files; (3) Google infringed Oracle's copyrights by copying from Java documentation into Android documentation; (4) Google's copying from the 37 Java API packages at issue in this action was not a fair use; (5) The material Google copied from the 37 Java API packages is copyrightable; (6) Google infringed Oracle's copyrights by creating an unauthorized derivative work; (7) Google infringed the asserted claims of the '104 patent; and (8) Google infringed the asserted claims of the '520 patent.

[In the alternative, the Court **GRANTS** Oracle's request for a new trial on the issues of: (1) Google's copying of comments in Oracle's CodeSource.java and CollectionCertStoreParameters.java files; (2) Google's copying from Java documentation into Android documentation; (3) Google's creation of an unauthorized derivative work; (4) the copyrightability of the 37 Java API packages at issue in this action; and (5) Google's infringement of the asserted claims of the '104 and '520 patents.

In addition, because the jury did not reach a verdict on Google's defense of fair use, Oracle is entitled to a new trial on that issue.]

IT IS SO ORDERED.

Dated: _____

Honorable William H. Alsup
United States District Court Judge